



February 11, 2005

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## SENATE BILL No. 516

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DIGEST OF SB 516 (Updated February 9, 2005 1:06 pm - DI 106)

**Citations Affected:** IC 5-2; IC 11-8; IC 36-2.

**Synopsis:** Victim notification. Permits establishment of an automated victim notification system within the department of correction and permits a crime victim to register for the system by telephone. Provides that the system automatically notifies a registered crime victim by telephone when: (1) a committed offender's status changes; (2) the offender is released or has escaped; or (3) the status of certain court cases changes. Provides that the system must notify residents of a sex offender living nearby. Allows a crime victim to obtain the most recent status of an offender by calling the system. Requires the department of correction to update the system frequently. Provides that there is no cause of action based on the system's failure to notify. Requires the sheriffs to assist the department of correction and provide personnel to coordinate data for victim notification services. Permits the victim and witness assistance fund to provide funding for a victim notification system. Requires a sheriff or police chief of Indianapolis to notify the department of correction when a sex offender files a new sex offender registration form.

**Effective:** July 1, 2005.

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**Lubbers, Drozda, Lanane, Zakas**

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January 18, 2005, read first time and referred to Committee on Judiciary.  
February 10, 2005, amended, reported favorably — Do Pass.

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SB 516—LS 7895/DI 107+



February 11, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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## SENATE BILL No. 516

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A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-2-6-14 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The victim and witness  
3 assistance fund is established. The institute shall administer the fund.  
4 Except as provided in subsection (e), expenditures from the fund may  
5 be made only in accordance with appropriations made by the general  
6 assembly.  
7 (b) The source of the victim and witness assistance fund is the  
8 family violence and victim assistance fund established by IC 12-18-5-2.  
9 (c) The institute may use money from the victim and witness  
10 assistance fund when awarding a grant or entering into a contract under  
11 this chapter, if the money is used for the support of a program in the  
12 office of a prosecuting attorney or in a state or local law enforcement  
13 agency designed to:  
14 (1) help evaluate the physical, emotional, and personal needs of  
15 a victim resulting from a crime, and counsel or refer the victim to  
16 those agencies or persons in the community that can provide the  
17 services needed;

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(2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or

(3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

(1) pay the costs of administering the fund, including expenditures for personnel and data;

(2) establish and maintain the sex and violent offender directory under IC 5-2-12; ~~and~~

(3) provide training for persons to assist victims; **and**

**(4) provide funding for a victim notification program.**

SECTION 2. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subject to section 13 of this chapter, the following persons must register under this chapter:

(1) An offender who resides in Indiana. An offender resides in Indiana if either of the following applies:

(A) The offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The offender owns real property in Indiana and returns to Indiana at any time.

(2) An offender not described in subdivision (1) who works or carries on a vocation or intends to work or carry on a vocation full time or part time for a period of time:

(A) exceeding fourteen (14) consecutive days; or

(B) for an aggregate period of time exceeding thirty (30) days; during any calendar year in Indiana, whether the offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) An offender not described in subdivision (1) who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), an offender who resides in Indiana shall register with the sheriff of the county where the offender resides. If an offender resides in more than one (1) county, the offender shall register with the sheriff of each county in which the offender resides. However, if an offender resides in a county having a

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consolidated city, the offender shall register with the police chief of the consolidated city.

(c) An offender described in subsection (a)(2) shall register with the sheriff of the county where the offender is or intends to be employed or carry on a vocation. However, an offender described in subsection (a)(2) who is employed or intends to be employed or to carry on a vocation in a consolidated city shall register with the police chief of the consolidated city. If an offender is or intends to be employed or carry on a vocation in more than one (1) county, the offender shall register with the sheriff of each county. However, if an offender is employed or intends to be employed or to carry on a vocation in a county containing a consolidated city and another county, the offender shall register with the police chief of the consolidated city and the sheriff of the other county.

(d) An offender described in subsection (a)(3) shall register with the sheriff of the county where the offender is enrolled or intends to be enrolled as a student. However, if an offender described in subsection (a)(3) is enrolled or intends to be enrolled as a student in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.

(e) An offender described in subsection (a)(1)(B) shall register with the sheriff in the county in which the real property is located. However, if the offender owns real property in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.

(f) An offender shall complete a registration form. Each sheriff or police chief of a consolidated city shall make the registration forms available to registrants.

(g) The offender shall register not more than seven (7) days after the offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the offender is required to register under subsection (b), (c), or (d);

whichever occurs first.

(h) Whenever an offender registers with a sheriff or the police chief

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of a consolidated city, the sheriff or police chief shall immediately notify the institute of the offender's registration by forwarding a copy of the registration form to the institute.

(i) The sheriff with whom an offender registers under this section shall make and publish a photograph of an offender on the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.5 and transmit the photograph (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. Every time a sex offender submits a new registration form to the police chief of a consolidated city, but at least once per year, the police chief shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5. The police chief of a consolidated city shall transmit the photograph and a copy of the registration form to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriff's sex offender registry web site established under IC 36-2-13-5.5.

(j) When an offender completes a new registration form, the sheriff or police chief of a consolidated city shall:

(1) forward a copy of the new registration form to the:

(A) institute; and

(B) department of correction; and

(2) notify every law enforcement agency having jurisdiction in the area where the offender resides.

SECTION 3. IC 11-8-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

#### **Chapter 7. Victim Notification Services**

**Sec. 1. As used in the chapter, "registered crime victim" refers to a person who registers to receive victim notification services under section 2(a)(5) of this chapter.**

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1       **Sec. 2. (a) The department may establish an automated victim**  
 2 **notification system to do the following:**

3       **(1) Automatically notify a registered crime victim when the**  
 4 **committed offender who committed a crime against the**  
 5 **registered crime victim:**

6       **(A) is transferred or assigned to another facility within the**  
 7 **department;**

8       **(B) is transferred to a facility not operated by the**  
 9 **department;**

10       **(C) is given a different security classification;**

11       **(D) is released on temporary leave;**

12       **(E) is discharged; or**

13       **(F) has escaped.**

14       **(2) Permit a registered crime victim to receive the most recent**  
 15 **status report for an offender by calling the automated victim**  
 16 **notification system on a toll free telephone number.**

17       **(3) Notify a registered crime victim concerning a change in**  
 18 **the status of an offender as the result of:**

19       **(A) a criminal appeal;**

20       **(B) a habeas corpus proceeding; or**

21       **(C) an appeal from the grant or denial of a petition for**  
 22 **postconviction relief.**

23       **(4) Provide notice to an occupant of a residence in the area in**  
 24 **which a sex offender resides.**

25       **(5) Permit a crime victim to register or update the crime**  
 26 **victim's registration for the automated victim notification**  
 27 **system by calling a toll free telephone number.**

28       **(b) The automated victim notification system may transmit**  
 29 **information to a person by:**

30       **(1) telephone;**

31       **(2) electronic mail; or**

32       **(3) another method as determined by the department.**

33       **Sec. 3. The department shall ensure that the offender**  
 34 **information contained in the automated victim notification system**  
 35 **is updated frequently enough to timely notify a registered crime**  
 36 **victim that an offender has been released, has been discharged, or**  
 37 **has escaped. However, the failure of the automated victim**  
 38 **notification system to provide notice to the registered crime victim**  
 39 **does not establish a separate cause of action by the registered**  
 40 **crime victim against:**

41       **(1) the state; or**

42       **(2) the department.**

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1        **Sec. 4. A law enforcement officer, a law enforcement agency,**  
 2        **and a prosecuting attorney shall cooperate with the department in**  
 3        **establishing and maintaining the automated victim notification**  
 4        **system.**

5        **Sec. 5. The department, with the Indiana criminal justice**  
 6        **institute, shall seek:**

7            **(1) federal grants; and**

8            **(2) other funding, including a grant from the victim and**  
 9            **witness assistance fund (IC 5-2-6-14);**

10        **for startup and operational costs for victim notification services**  
 11        **under this chapter.**

12        **Sec. 6. The department may adopt rules under IC 4-22-2 to**  
 13        **implement this chapter.**

14        **SECTION 4. IC 36-2-13-5.7 IS ADDED TO THE INDIANA CODE**  
 15        **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 16        **1, 2005]: Sec. 5.7. The sheriff shall:**

17            **(1) cooperate with the department of correction to implement**  
 18            **IC 11-8-7; and**

19            **(2) designate personnel to coordinate data for victim**  
 20            **notification services.**

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SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 516.

LUBBERS

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SENATE MOTION

Madam President: I move that Senators Lanane and Zakas be added as coauthors of Senate Bill 516.

LUBBERS

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## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 516, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph, and insert:

"SECTION 1. IC 5-2-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;
- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- (2) establish and maintain the sex and violent offender directory under IC 5-2-12; ~~and~~
- (3) provide training for persons to assist victims; **and**
- (4) provide funding for a victim notification program."**

Delete page 2.

Page 3, delete lines 1 through 4.

Page 5, line 23, delete "attorney general" and insert "**department of correction**".

Page 5, delete lines 26 through 32, begin a new paragraph, and

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insert:

"SECTION 3. IC 11-8-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 7. Victim Notification Services**

**Sec. 1.** As used in the chapter, "registered crime victim" refers to a person who registers to receive victim notification services under section 2(a)(5) of this chapter.

**Sec. 2. (a)** The department may establish an automated victim notification system to do the following:

(1) Automatically notify a registered crime victim when the committed offender who committed a crime against the registered crime victim:

(A) is transferred or assigned to another facility within the department;

(B) is transferred to a facility not operated by the department;

(C) is given a different security classification;

(D) is released on temporary leave;

(E) is discharged; or

(F) has escaped.

(2) Permit a registered crime victim to receive the most recent status report for an offender by calling the automated victim notification system on a toll free telephone number.

(3) Notify a registered crime victim concerning a change in the status of an offender as the result of:

(A) a criminal appeal;

(B) a habeas corpus proceeding; or

(C) an appeal from the grant or denial of a petition for postconviction relief.

(4) Provide notice to an occupant of a residence in the area in which a sex offender resides.

(5) Permit a crime victim to register or update the crime victim's registration for the automated victim notification system by calling a toll free telephone number.

**(b)** The automated victim notification system may transmit information to a person by:

(1) telephone;

(2) electronic mail; or

(3) another method as determined by the department.

**Sec. 3.** The department shall ensure that the offender information contained in the automated victim notification system

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is updated frequently enough to timely notify a registered crime victim that an offender has been released, has been discharged, or has escaped. However, the failure of the automated victim notification system to provide notice to the registered crime victim does not establish a separate cause of action by the registered crime victim against:

- (1) the state; or
- (3) the department.

**Sec. 4.** A law enforcement officer, a law enforcement agency, and a prosecuting attorney shall cooperate with the department in establishing and maintaining the automated victim notification system.

**Sec. 5.** The department, with the Indiana criminal justice institute, shall seek:

- (1) federal grants; and
- (2) other funding, including a grant from the victim and witness assistance fund (IC 5-2-6-14);

for startup and operational costs for victim notification services under this chapter.

**Sec. 6.** The department may adopt rules under IC 4-22-2 to implement this chapter."

Page 5, line 36, delete "attorney general" and insert "**department of correction**".

Page 5, line 37, delete "**IC 4-6-13**" and insert "**IC 11-8-7**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 516 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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